

REMARKS

Original claims 1-11 are canceled. New claims 12-21 have been added.

Claim Rejection Under 35 U.S.C. § 112

Claim 4 is rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. This rejection is moot in view of the cancellation of claim 4.

Moreover, Applicant respectfully submits that new claim 18 recites that the “two covers,” rather than the “cover member,” are cup-shaped.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hatazawa et al. (US 6,428,934).

Claims 1 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kodoma (JP 2002-289154).

Claims 1-11 have been canceled and have been replaced by new claims 12-21. Claims 12 and 17 are independent claims.

Claim 12

New independent claim 12 includes all of the recitations of original claims 1+2 and also recites that said cover member is obtained by superimposing two covers on each other such that the two covers face each other. This claim is supported by the exemplary embodiment shown in FIGS. 1 and 2.

Applicant respectfully submits that new claim 12 is patentable at least because neither Hatazawa nor Kodoma does disclose the claimed battery including a cover member obtained by *superimposing two covers on each other* such that the two covers face each other.

The Examiner asserts that Hatazawa's resin layers 5, 6 corresponds to the recited "cover member." However, these resin layers 5, 6 are not *superposed on each other*. Instead, they are merely provided at opposing ends of the battery element 1 and are not provided on each other.

Kodoma does not disclose a cover member including two covers.

Thus, Applicant respectfully submits that independent claim 12 is patentable.

Claim 17

New independent claim 17 includes all of the recitations of original claims 1 and also recites that said positive electrode and negative electrode comprise a lead terminal, said cover member is composed of two covers, and *said two covers face each other, with holding said lead terminal between them*, to cover said power generating element. This claim is also supported by the exemplary embodiment shown in FIGS. 1 and 2.

Applicant respectfully submits that new claim 17 is patentable at least because neither Hatazawa nor Kodoma does disclose the claimed battery including a cover member composed of two covers, in which said two covers face each other, with holding said lead terminal between them.

Hatazawa's resin layers 5, 6 do not hold a lead terminal between them. Instead, the lead terminals 3, 4 are provided at one of the covers 5.

Kodoma does not disclose a cover member including two covers.

Thus, Applicant respectfully submits that independent claim 17 is patentable.

Dependent Claims

Applicant respectfully submits that dependent claims 13-16 and 18-21 are patentable at least because of their dependency from claim 12 or claim 17.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/578,408

Attorney Docket No.: Q94708

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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